

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

**FAO No.1513 of 1992**

Date of decision:30.06.2010

Bharat Rattan Sharma

....Appellant

versus

Gita Malik and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE K. KANNAN**

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Present: Ms. Radhika Suri, Advocate, for the appellant.

Mr. Arvind Bansal, Advocate, for Mr. Rakesh Nagpal,  
Advocate, for the respondents.

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1. Whether reporters of local papers may be allowed to see the judgment ?
2. To be referred to the reporters or not ?
3. Whether the judgment should be reported in the digest ?

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**K.Kannan, J.** (Oral)

1. The appeal has been filed jointly by the owner of the Insurance Company and I notice that there is no permission sought or granted under Section 170 of the Motor Vehicles Act. The Insurance Company cannot, therefore, sustain the appeal jointly with the insured. In the light of the judgment of the Hon'ble Supreme Court in **Chinnama George and others Versus N.K.Raju and another-(2000) 4 SCC 130**, the Insurance Company is transposed as respondent and the Registry shall carry out the transposition and array the Insurance Company as 4<sup>th</sup> respondent.

2. If the case must be treated as an appeal by the insured only, the issue has to be considered with reference to the evidence available as regards the salary of the deceased. The deceased was a Veterinary Surgeon at Government Piggery Farm, Ambala and the salary certificate has been filed showing that he was drawing Rs.3,895/-. It was elicited in evidence that he had put in 7 years of service and the Tribunal had taken the monthly contribution to be Rs.2,600/-. The Court had applied a multiplier of 20 following the judgment of this Court in **Joginder Kaur Versus State of Haryana through Secretary Transport-1991 ACJ 374.** The application of the multiplier in the light of the judgment of the Hon'ble Supreme Court in **Sarla Verma and others Versus Delhi Transport Corporation and another-2009 ACJ 1298,** would have been to provide for a multiplier of 17. In this case, it is seen that the deceased was a government servant and the Tribunal has not taken note of the future prospects of increase in salary. The Court is empowered to take judicial notice of the fact that in government service there are periodical increments through Pay Commission recommendations and the failure of the Tribunal to provide for future increments in salary with promotional prospects would, therefore, require to be remedied by taking the future increases at 150% of the salary that he was drawing and if average were to be taken after making provision for such an increase, the monthly income should be taken as Rs.6,000/-. If even 17 multiplier were to be applied to the amount and provide for all other statutory allowances, the amount that would require to be paid would not fall short of Rs.6,30,000/-, which was the amount awarded by the Tribunal and, under

the circumstances, I do not find that there is no scope for modification of the award. If, at all there, is only a scope for an increase. However, there is no representation on behalf of the respondents, I do not propose to undertake such an exercise. The award of the Tribunal is confirmed in all respects and the appeal is dismissed.

**(K.KANNAN)**  
**JUDGE**

30.06.2010  
sanjeev